

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 AGR-10 CEA-01 CIAE-00

COME-00 DODE-00 FRB-01 H-02 INR-07 INT-05 L-03 LAB-04

NSAE-00 NSC-05 PA-02 AID-05 CIEP-02 SS-15 STR-04

TAR-01 TRSE-00 USIA-15 PRS-01 SP-02 FEAE-00 OMB-01

XMB-04 /120 W

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC 4367

INFO USDEL MTN GENEVA

USMISSION EC BRUSSELS

USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS: ETRD, UK

SUBJ: FOREIGN PRODUCTS STANDARDS AND CERTIFICATION
SYSTEM

REF: STATE 182572

1. WE DISCUSSED QUESTIONS RAISED PARA 5 WITH E.E. WILLIAMS (ASSISTANT SECRETARY STANDARDS WEIGHTS AND MEASURES DIVISION, DEPARTMENT OF PRICES AND CONSUMER PROTECTION (DPCP), MR. J.D. BENIMRA (DEPARTMENT OF TRADE), AND JOHN E. WARE (ASSISTANT DIRECTOR, BRITISH STANDARDS INSTITUTION). RESPONSES ARE KEYED TO THE SUB PARAS OF PARA 5. DURING INITIAL DISCUSSION WILLIAMS SAID THAT INFORMATION REQUESTED WAS RESPONSIBILITY OF NUMEROUS AGENCIES IN UK AND THAT HE WAS SOMEWHAT OVERWHELMED BY THE BROAD SCOPE OF THE INQUIRY. HE QUESTIONED RHETORICALLY WHETHER USG WOULD BE ABLE TO REPLY TO SUCH A REQUEST AND ADDED
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THAT UK RESPONSES TO THE QUESTIONS WERE PREDICATED ON

ASSUMPTION THAT THE MATERIAL WAS BEING PROVIDED ON A RECIPROCAL BASIS. HE SAID THAT THE UK WOULD LOOK TO EC FOR LEADERSHIP IN NEGOTIATIONS IN MTN ON GATT DRAFT CODE. HE EXPRESSED CONCERN OVER BROAD DEFINITION GIVEN TO THE TERM "STANDARD" AND STATED THAT ECE (TRAVOLINI COMMITTEE) IS DEVELOPING DEFINITIONS WHICH WILL HAVE BROADER ACCEPTANCE AND WHICH PROBABLY MERIT CONSIDERATION BY USG.

2. RESPONSES TO SPECIFIC QUESTIONS FOLLOW:

(A1.) WITHIN THE BROAD DEFINITION OF STANDARDS CITED REFTEL, ALMOST EVERY UK GOVERNMENT DEPARTMENT ISSUES REGULATIONS WHICH CONTAIN DIRECT OR INDIRECT REFERENCES WHICH MAY BE SEEN AS SETTING MANDATORY NATIONAL STANDARDS. THE STANDARDS WEIGHTS AND MEASURES DIVISION OF THE DPCP IS MANDATED TO COORDINATE HMG POLICY ON STANDARDS. IT DOES NOT HOWEVER COORDINATE THE ACTIVITIES OF STANDARDS MAKING AGENCIES OR MAINTAIN A LIST OF ALL MANDATORY STANDARDS OR ADMINISTRATIVE PROCEDURES COVERING THEIR APPLICATION.

(A2.) WITHIN THE BROAD DEFINITION OF STANDARDS CITED REFTEL THERE ARE A TREMENDOUS NUMBER OF STANDARDS IN UK WHICH COULD BE CALLED MANDATORY. UNDER A MORE NARROW DEFINITION, HOWEVER, THERE ARE ONLY A HANDFUL OF LEGISLATED MANDATORY STANDARDS (SEAT BELTS, CHILDREN'S NIGHT CLOTHING, OIL HEATERS, ETC.) THERE ARE FAR FEWER IN THE UK THAN IN OTHER COUNTRIES BECAUSE OF THE UNDERLYING LEGAL STRUCTURE. IT IS THE PRACTICE IN THE UK THAT PRODUCTS MAY BE PUT ON THE MARKET WITHOUT HAVING BEEN TESTED OR CERTIFIED THAT THEY MEET PARTICULAR STANDARDS. (GENERALLY, IT IS SUFFICIENT FOR MANUFACTURERS IF PRODUCTS ADHERE TO BSI STANDARDS AND SATISFY INSPECTORS.) IT IS THEN THE RESPONSIBILITY OF THE CONSUMER TO TAKE ISSUE IN THE COURTS SHOULD THE PRODUCT PROVE TO BE INFERIOR. IF THE PRODUCT IS FOUND WANTING, IT IS THEN UP TO THE COURTS TO DECREE THAT IT MUST CONFORM TO A CERTAIN STANDARD, OR FOR PARLIAMENT TO LEGISLATE THAT THE PRODUCT MUST MEET A PARTICULAR STANDARD. LIKEWISE, GOVERNMENT AGENCIES IN PURCHASING PRODUCTS CAN DEMAND THAT THEY MEET CERTAIN STANDARDS.

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BSI CURRENTLY HAS OVER 6,000 VOLUNTARY OR SUGGESTED STANDARDS ON ITS BOOKS WHICH COULD BECOME MANDATORY IN THIS WAY.

(A3.) WILLIAMS ESTIMATES THAT 50 PERCENT OF ALL UK STANDARDS CURRENTLY IN EFFECT ARE BASED ON INTERNATIONAL STANDARDS DEVELOPED BY SUCH ORGANIZATIONS AS ISO, IEC, OR THE CODEX ALIMENTARIUS COMMISSION. AT LEAST 90 PERCENT OF ALL REVISED AND NEW STANDARDS ARE

BASED ON INTERNATIONAL STANDARDS. ACCORDING TO WILLIAMS, BSI MUST HAVE VERY GOOD REASON BEFORE IT CAN ISSUE A STANDARD WHICH VARIES FROM INTERNATIONAL PRACTICE. IN ADDITION, THERE IS GREAT DEAL OF LATITUDE WITHIN INTERNATIONAL STANDARDS WHICH MAKES THEM EASY TO FOLLOW. REGIONAL STANDARDS, HOWEVER, HAVE NOT BEEN APPLIED AS WIDELY BECAUSE CEN AND CENELEC HAVE BEEN SLOW TO ISSUE NEW STANDARDS AND RELUCTANT TO TAKE INITIATIVES IN AREAS WHERE ISO OR IEC ARE ALREADY

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WORKING. HMG SEES THE REGIONALS' ROLE AS MORE TO NARROW THE IEC AND ISO DEFINITIONS THAN TO BREAK NEW GROUND. ALSO, THE EC PREFERS TO CHOOSE THE WIDEST, MOST HARMONIZED STANDARDS.
(A4.) AS STATED ABOVE, NATIONAL MANDATORY STANDARDS ARE GENERALLY BASED ON ACTS OF PARLIAMENT OR INTER-

PRETATION OF PARLIAMENTARY ACTIONS. BSI PROCEDURES FOR DEVELOPING VOLUNTARY STANDARDS WHICH MAY LATER BE MADE MANDATORY ALLOW FOR ADVANCE PUBLICATION AND COMMENTS BY INTERESTED PARTIES, FOREIGN AND DOMESTIC. THIS PROCEDURE IS DESCRIBED IN AIRGRAM WHICH FOLLOWS.

(A5.) BY AND LARGE, STATE AND LOCAL AUTHORITIES DO NOT ENGAGE IN WRITING MANDATORY STANDARDS. IT IS POSSIBLE THAT MUNICIPAL BY-LAWS COVERING BUILDING CONSTRUCTION OR RELATED PUBLIC SERVICES MAY BE INTERPRETED AS MANDATORY STANDARDS, BUT HMG DOES NOT CONSIDER THESE ACTIVITIES TO BE SIGNIFICANT.
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(A6.) BSI IS THE ONLY MAJOR INSTITUTION WRITING VOLUNTARY STANDARDS AND THE ONLY BODY RECOGNIZED WITH A ROYAL CHARTER. IT IS CONSIDERED TO BE ENTIRELY INDEPENDENT OF HMG EVEN THOUGH THE GOVERNMENT PROVIDES SOME FUNDS AND HAS SEATS ON THE BOARD OF DIRECTORS. OTHER NON-GOVERNMENTAL ORGANIZATIONS WRITING STANDARDS ARE LISTED, ALTHOUGH NOT EXHAUSTIVELY, IN AIRGRAM WHICH FOLLOWS.

(A7.) LISTINGS OF VOLUNTARY STANDARDS TO THE DEGREE WE CAN OBTAIN THEM WILL FOLLOW BY AIRGRAM. THESE VOLUNTARY STANDARDS ARE MADE MANDATORY BY PARLIAMENTARY ACTION. AS NOTED ABOVE, MOST PRODUCTS DO NOT HAVE TO BE SHOWN TO HAVE MET THE STANDARD BEFORE THEY CAN BE PLACED ON THE MARKET.

(B1.) AS EXPLAINED ABOVE, THE UK IS A RELATIVELY OPEN MARKET WITH REGARD TO BARRIERS TO TRADE IN THE STANDARDS FIELD. PRODUCTS DO NOT GENERALLY HAVE TO BE TESTED OR PASSED THROUGH QUALITY ASSURANCE SYSTEMS BEFORE BEING PLACED ON THE MARKET.

(B1A.) ACCEPTANCE OF ASSURANCES OF CONFORMITY TO FOREIGN STANDARDS VARIES GREATLY AND BASICALLY DEPENDS ON SPECIFIC LEGISLATION RELATED TO SPECIFIC PRODUCTS.

(B1B.) GENERALLY, HMG DOES ACCEPT ASSURANCE OF CONFORMITY FROM QUALITY ASSURANCE BODIES IN THE COUNTRY OF THE FOREIGN EXPORTER. BSI OFTEN MAKES ARRANGEMENTS WITH FOREIGN SUPPLIERS AND LICENSES THEM TO MAKE THESE APPROVALS. THERE IS SOME QUESTION, HOWEVER, WHETHER CERTAIN PRODUCTS (EXAMPLE: SEAT BELTS) CAN BE CERTIFIED ABROAD.

(B1C, D, E, F, G.) HMG'S GENERAL POLICY IS TO ALLOW RECIPROCAL AGREEMENTS BETWEEN BSI AND FOREIGN TESTING QUALITY ASSURANCE INSTITUTIONS WITH REGARD TO TESTING AND/OR CERTIFICATION IN THE EXPORTING COUNTRY. MOST OF THESE AGREEMENTS EXIST WITHIN THE EC AND ARE GENERALLY CONCLUDED BETWEEN AGENCIES RATHER THAN COUNTRIES.

(B1H.) WHEN TESTING OR CERTIFICATION IS NOT

ALLOWED IN THE COUNTRY OF THE FOREIGN EXPORTER, IMPORTED
PRODUCTS ARE, ACCORDING TO WILLIAMS, ACCEPTED FOR TESTING
UNDER NO LESS FAVORABLE CIRCUMSTANCES THAN THOSE
ACCORDED TO SIMILAR DOMESTIC PRODUCTS.
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(B2.) STATE AND LOCAL GOVERNMENTS ARE NOT
CONCERNED WITH TESTING OR CERTIFICATION OF FOREIGN
PRODUCTS.

(B3.) AS CITED ABOVE, TESTING AND QUALITY
ASSURANCE PROCEDURES WITH RESPECT TO VOLUNTARY STANDARDS
IS LEFT VERY MUCH TO THE MARKETPLACE. HMG'S CONCERN
SURFACES THROUGH CERTAIN CONSUMER PROTECTION AGENCIES
AND IN RESPONSE TO COMPLAINTS FROM THE PUBLIC.

(C1.) MOST STANDARDS WRITING, WHETHER MANDATORY
OR VOLUNTARY, IS DONE BY BSI. THERE ARE SOME
PURCHASING STANDARDS DEVELOPED BY VARIOUS GOVERNMENT
AGENCIES BUT THEY FOLLOW BSI'S RECOMMENDATIONS.

(C2, 3.) WILLIAMS' PERSONAL REACTION IS THAT
GOVERNMENTAL AUTHORITY TO ENFORCE COMPLIANCE WITH
PROVISIONS OF THE CODE SHOULD BEST BE LEFT TO THE MTN
NEGOTIATIONS.

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